

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JEFF DiFIORE,) CASE NO. 1:19-CV-02446
)
Plaintiff,) JUDGE SOLOMON OLIVER, JR.
)
-vs-) DEFENDANTS' JOINT UNOPPOSED
) MOTION FOR EXTENSION OF TIME
CITY OF LYNDHURST, OHIO, <i>et al.</i> ,)
)
Defendants.)

Pursuant to Fed. R. Civ. P. 6(b)(1), for good cause shown and in the interests of justice, Defendants City of Lyndhurst, Ohio, Patrick Ward, in his official and individual capacities, and John Maichle, in his official and individual capacities (collectively, “Lyndhurst Defendants”), by and through their undersigned attorneys, respectfully request that the Court enter an order setting **Monday, December 23, 2019**, as the deadline for them to move, answer, plead, or otherwise respond to the Complaint filed by Plaintiff Jeff DiFiore.

The Lyndhurst Defendants have neither sought nor been granted any other extensions of time in connection with responding to the Complaint. Despite the exercise of due diligence, undersigned counsel only learned late yesterday (based on Plaintiff’s filing of service returns on Friday, November 22, 2019) that the summonses apparently had been delivered by certified mail on or about October 31, 2019.

This request is not interposed for purposes of delay, but to allow the Lyndhurst Defendants and their newly-retained undersigned counsel to complete their review of the allegations made in Plaintiff’s Complaint and to formulate a proper response.

Counsel for Plaintiff was consulted with regard to the relief requested in this motion, and indicated he had no objection thereto

WHEREFORE, for good cause shown and in the interests of justice, the Lyndhurst Defendants respectfully move for an extension of time, to and including **Monday, December 23, 2019**, in which to move, answer, plead, or otherwise respond to Plaintiff's Complaint.

Respectfully submitted,

/s/ Kenneth D. Myers (with consent)
Kenneth D. Myers (Reg. No. 0053655)
Email: kdmy@aol.com
6100 Oak Tree Boulevard, Suite 200
Cleveland, OH 44131
216.241.3900 / Fax 440.498.8239

Attorney for Plaintiff

/s/ Darrell A. Clay
Craig A. Marvinney (Reg. No. 0004951)
Email: cmarvinney@walterhav.com
Direct Dial: 216.928.2889
Darrell A. Clay (Reg. No. 0067598)
Email: dclay@walterhav.com
Direct Dial: 216.928.2896

WALTER & HAVERFIELD LLP
The Tower at Erieview
1301 E. Ninth Street, Suite 3500
Cleveland, OH 44114-1821
216.781.1212 / Fax: 216.575.0911

Attorneys for the Lyndhurst Defendants

CERTIFICATE OF SERVICE

I hereby certify that on the 26th day of November, 2019, a copy of the foregoing was served electronically on all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Darrell A. Clay
One of the Attorneys for the Lyndhurst Defendants